



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/644,904

08/21/2003

Alexei Lebedev

6685

7590  
Ann Agishtein  
309 Squankum RD  
Lakewood, NJ 08701

09/18/2007

EXAMINER

HARRISON, CHANTE E

ART UNIT

PAPER NUMBER

2628

MAIL DATE

DELIVERY MODE

09/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/644,904

Applicant(s)

LEBEDEV, ALEXEI

Examiner

Chante Harrison

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-14 is/are rejected.
- 7) ☒ Claim(s) 8 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 9-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Richard Friesen et al., US 7,212,999 B2, 5/2007.

As per independent claim 1, Friesen discloses

(a) a display canvas (Fig. 3A) which displays time on the X axis (Fig. 3B; col. 9, ll. 15-20) and price on the Y axis (Fig. 3A "332")

(b) Coverage of a variety of scales, both in price and in time direction (Fig. 3C)

(c) displaying orders and trades as distinguished graphical marks (Fig. 3A "300, 304")

(d) providing visual attributes to said graphical marks, such as thickness, color or variation in shape of each graphical mark, said graphical mark encoding an attribute, such as order intention, order age, order size, or trade volume (col. 6, ll. 26-33)

Art Unit: 2628

As per dependent claim 2, Friesen discloses (a) providing a special graphical mark on said display which said trader can manipulate to adjust intended price along said Y axis and over said X axis to adjust intended time of placement (col. 8, ll. 38-44)

(b) providing said graphical display to show said trader's own active and recent orders and trades being displayed alongside other participants' orders in a manner that distinguishes said orders and traders from the rest of the market whereby said trader can make visual comparison (col. 5, ll. 49-65; col. 8, ll. 1-5, 14-20).

As per dependent claim 3, Friesen discloses said graphical display visualizes order books of multiple markets as vertical bands (col. 6, ll. 1-2; Fig. 3A "300, 304"; col. 10, ll. 1-4).

As per dependent claim 4, Friesen discloses each said vertical band displays orders originating from just that market (i.e. each band displays an order or stacked order corresponding to the same market commodity) (col. 6, ll. 1-2; Fig. 3A "300, 304"; col. 10, ll. 1-4).

As per dependent claim 5, Friesen discloses wherein the price of said orders are indicated on said Y coordinate with distinguished graphical mark (Fig. 3A "336"; col. 6, ll. 10-11).

As per dependent claim 6, Friesen discloses wherein said trader has the ability to route

orders to a specific market center by moving a special graphical mark inside said corresponding vertical band with vertical movement being used to adjust limit price (i.e. stacking the orders) (col. 11, ll. 15-20; col. 10, ll. 50-55).

As per dependent claim 7, Friesen discloses said trader can send, cancel and re-send said order to the market by predetermined user action such as the pressing of a keyboard or joystick, or interactively, whenever price, size or another parameter of said order has changed (col. 8, ll. 52-64).

As per independent claim 9, Friesen discloses a system as similarly claimed in claim 1, the system having means (Fig. 2). The rationale as applied in the rejection of claim 1 applies herein.

As per dependent claims 10 -14, the rationale as applied in the rejection of claims 2-7 respectively apply herein.

1. Claims 8 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chante Harrison whose telephone number is 571-272-7659. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chante Harrison  
Examiner  
Art Unit 2628

September 13, 2007

